



सत्यमेव जयते

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## EXTRAORDINARY

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#### PART - VI

#### Acts of Parliament and Ordinances promulgated by the President

##### LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 11<sup>th</sup> October, 2021

No.RPB/Act- 23/2021/E :- The following Act of Parliament is republished for general information :-

##### GOVERNMENT OF INDIA

##### MINISTRY OF LAW AND JUSTICE

##### Legislative Department

New Delhi, the 9<sup>th</sup> August, 2021, Sravana 18, 1943 (Saka)

The following Act of Parliament has received the assent of the President on the 7<sup>th</sup> August, 2021 is hereby published for general information:-

##### MINISTRY OF LAW AND JUSTICE

##### (Legislative Department)

New Delhi, the 9<sup>th</sup> August, 2021/ Sravana 18, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 7<sup>th</sup> August, 2021, and is hereby published for general information:—

#### THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2021

No. 23 OF 2021

[7<sup>th</sup> August, 2021.]

An Act to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 2016.

2. In section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the principal Act),—

Amendment of  
section 2.

(i) clause (4) shall be omitted;

(ii) in clause (14),—

(a) in sub-clause (ii), after the words “contravention of”, the words “the provisions of this Act or” shall be inserted;

(b) for sub-clause (vi), the following sub-clause shall be substituted, namely:—

“(vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;”;

(c) in sub-clause (ix), for the words “is likely to be”, the words “has been or is being or is likely to be” shall be substituted;

(iii) in clause (17), for the words “Children’s Home”, the words “child care institution” shall be substituted;

(iv) in clause (26), for the words “which is the focal point”, the words “which shall function under the supervision of the District Magistrate” shall be substituted;

(v) after clause (26), the following clause shall be inserted, namely:—

“(26A) “District Magistrate” includes Additional District Magistrate of the District;”;

(vi) in clause (46), the words “the person in-charge of which is willing” shall be omitted;

(vii) for clause (54), the following clause shall be substituted, namely:—

“(54) “serious offences” includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is,— 45 of 1860.

(a) minimum imprisonment for a term more than three years and not exceeding seven years; or

(b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided.’.

Amendment  
of section 3.

**3.** In section 3 of the principal Act, for the words “the Board, and”, the words “the Board, the Committee, or” shall be substituted.

Amendment  
of section 4.

**4.** In section 4 of the principal Act, in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted.

Amendment  
of section 8.

**5.** In section 8 of the principal Act, in sub-section (3), in clause (m), for the words “of such a child to the observation home”, the words “that child to an observation home or place of safety, as the case may be,” shall be substituted.

Amendment  
of section 12.

**6.** In section 12 of the principal Act, in sub-section (2), after the words “observation home”, the words “or a place of safety, as the case may be,” shall be inserted.

Amendment  
of section 16.

**7.** In section 16 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the stakeholders including the Board and the Committee.”.

Amendment  
of section 18.

**8.** In section 18 of the principal Act, in sub-section (1), after the words “heinous offence,”, the words and figures “or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under section 15, disposed of the matter” shall be inserted.

**9. In section 27 of the principal Act,—**Amendment of  
section 27.

(i) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) No person shall be appointed as a member of the Committee unless he has a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children and has been actively involved in health, education or welfare activities pertaining to children for seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children.

(4A) No person shall be eligible for selection as a member of the Committee, if he—

(i) has any past record of violation of human rights or child rights,

(ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence,

(iii) has been removed or dismissed from service of the Government of India or State Government or an undertaking or corporation owned or controlled by the Government of India or State Government,

(iv) has ever indulged in child abuse or employment of child labour or immoral act or any other violation of human rights or immoral acts, or

(v) is part of management of a child care institution in a District.”;

(ii) in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted;

(iii) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) The Committee shall submit a report to the District Magistrate in such form as may be prescribed and the District Magistrate shall conduct a quarterly review of the functioning of the Committee.”;

(iv) for sub-section (10), the following sub-section shall be substituted, namely:—

“(10) The District Magistrate shall be the grievance redressal authority to entertain any grievance arising out of the functioning of the Committee and the affected child or anyone connected with the child, as the case may be, may file a complaint before the District Magistrate who shall take cognizance of the action of the Committee and, after giving the parties an opportunity of being heard, pass appropriate order.”.

**10. In section 32 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—**Amendment of  
section 32.

“(2) The information regarding a child referred to in sub-section (1) shall be uploaded by the Committee or the District Child Protection Unit or the child care institution, as the case may be, on a portal as may be specified by the Central Government in this behalf.”.

**11. In section 37 of the principal Act, in sub-section (1), the words “submitted by Child Welfare Officer” shall be omitted.**Amendment of  
section 37.**12. In section 38 of the principal Act, in sub-section (5), after the words “shall inform”, the words “the District Magistrate,” shall be inserted.**Amendment of  
section 38.

- Amendment of section 40. **13.** In section 40 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—
- “(4) The Committee shall submit a quarterly report regarding restored, dead and runaway children to the State Government and the District Magistrate in such form as may be prescribed.”.
- Amendment of section 41. **14.** In section 41 of the principal Act,—
- (i) in sub-section (1), the words “, within a period of six months from the date of commencement of this Act,” shall be omitted;
- (ii) in sub-section (2), for the words “shall determine”, the words “shall, after considering the recommendations of the District Magistrate, determine” shall be substituted.
- Amendment of section 54. **15.** In section 54 of the principal Act,—
- (i) in sub-section (2), for the words “District Child Protection Units or State Government, as the case may be”, the words “District Magistrate” shall be substituted;
- (ii) in sub-section (3), for the words “District Child Protection Unit or the State Government”, the words “District Magistrate” shall be substituted.
- Amendment of section 55. **16.** In section 55 of the principal Act, in sub-section (1), after the words “State Government”, the words “or District Magistrate” shall be inserted.
- Amendment of section 56. **17.** In section 56 of the principal Act, in sub-section (5), for the word “Court”, the words “District Magistrate” shall be substituted.
- Amendment of section 58. **18.** In section 58 of the principal Act,—
- (i) in sub-section (3), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (4), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted.
- Amendment of section 59. **19.** In section 59 of the principal Act,—
- (i) in sub-section (7), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (8), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted.
- Amendment of section 60. **20.** In section 60 of the principal Act, in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted.
- Amendment of section 61. **21.** In section 61 of the principal Act,—
- (i) for the marginal heading, the following marginal heading shall be substituted, namely:—
- “Procedure for disposal of adoption proceedings.”;
- (ii) in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted;
- (iii) in sub-section (2), for the word “court”, the words “District Magistrate” shall be substituted.
- Amendment of section 63. **22.** In section 63 of the principal Act, for the word “court”, the words “District Magistrate” shall be substituted.

- 23.** In section 64 of the principal Act, for the words “concerned courts”, the words “District Magistrate” shall be substituted. Amendment of section 64.
- 24.** In section 65 of the principal Act, in sub-section (4), for the word “court”, the words “District Magistrate” shall be substituted. Amendment of section 65.
- 25.** In section 74 of the principal Act, in sub-section (2), for the words “in cases where the case”, the words “in the pending case or in the case which” shall be substituted. Amendment of section 74.
- 26.** For section 86 of the principal Act, the following section shall be substituted, namely:— Substitution of section 86.
- “86. (1) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable. Classification of offences and designated court.
- (2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.
- (3) Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.
- (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children’s Court.”.
- 27.** In section 87 of the principal Act, for the “*Explanation*”, the following *Explanation* shall be substituted, namely:— Amendment of section 87.
- ‘*Explanation.*—For the purposes of this section, the expression “abetment” shall have the same meaning as assigned to it in section 107 of the Indian Penal Code.’.
- 28.** In section 101 of the principal Act,— Amendment of section 101.
- (i) for sub-section (3), the following sub-section shall be substituted, namely:—
- “(3) No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years.”.
- (ii) after sub-section (5), the following sub-sections shall be inserted, namely:—
- “(6) Any person aggrieved by an adoption order passed by the District Magistrate may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner.
- (7) Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal:
- Provided that where there is no Divisional Commissioner, the State Government or Union territory Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal.”.
- 29.** In section 110 of the principal Act, in sub-section (2),— Amendment of section 110.
- (a) after clause (xiv), the following clause shall be inserted, namely:—
- “(xiva) the form of report submitted to the District Magistrate under sub-section (8) of section 27;”;

2 of 1974.  
4 of 2006.  
32 of 2012.

45 of 1860.

(b) after clause (xxii), the following clause shall be inserted, namely:—

“(xxiia) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40;”.

Sd/-

**ANOOP KUMAR MENDIRATTA,**  
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

**K. M. LALA,**  
Secretary to Government.

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